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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,833	02/18/2004	Steven F. Knittel	KNITTEL, ET AL. (LCNT/126)	3728
46363 7590 09/12/2007 PATTERSON & SHERIDAN, LLP/ LUCENT TECHNOLOGIES, INC 595 SHREWSBURY AVENUE SHREWSBURY, NJ 07702			EXAMINER BELANI, KISHIN G	
			ART UNIT 2143	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/780,833

Applicant(s)

KNITTEL ET AL.

Examiner

Kishin G. Belani

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

In paragraph 0005, lines 8-9, replace "a CDMA channels that carry voice" with -- a CDMA channel that carries voice --.

In paragraph 0076, line 3, replace "data us received" with -- data are received --.

Appropriate correction is required.

Claim Objections

Claims 1, 5-8 and 12-14 are objected to because of the following informalities:

In **claim 1**, line 3, replace "gateway further for obtaining" by -- gateway further obtaining --.

Whereas the apparatus **claims 5-8** disclose a multiplicity of resource index files, the apparatus **claims 12-14** mention only a single resource index file. It is not clear whether there is a single resource index file or more than one resource index files.

Claim 6 is further objected to for stating updates to the resource index files.

Claim 6 should clarify that updates are made to the index file that accompanies the bundled response file, not to any original resource index files existing in the gateway's store.

Claim 25 is objected to for including an extraneous word "based" at the end of the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7, 13 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Consider **Claims 7, 13 and 18**, these claims disclose that the resource index file includes the resource and its embedded data. An index file has links or points to other resources, but does not include the resources or embedded data. It may however, be included as meta-data along with the resource and its embedded data in the bundled response file. As stated in paragraph 0073 of the specification, "once the indexed files are created (including pre-compiled, i.e. created ahead of time), they are subsequently used to obtain embedded resources" (but do not include resources within them).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5-9, 11-16, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by **Morlitz (US Patent Application Publication # 2002/0065800 A1)**.

Consider **claim 1**, Morlitz shows and discloses an apparatus for use in a communication network (Fig. 1, client computers 10, with communication links 14 to the Internet 16, which in turn is linked to proxy servers 28 by links 32, to web servers 22 by links 30, and to storage media 34 by links 36, thereby forming a communication network apparatus; paragraphs 0018-0020 disclose the same details), comprising:
a gateway operable within said network for receiving a request for a resource having embedded data, in response to said request, said gateway further obtaining said resource and said embedded data, for bundling said resource and said embedded data into a file, and for sending said file (Abstract that discloses a client computer 10 making a request for a web page that has embedded child web pages and graphics and audio resources linked with the requested parent page; the web server collects all the resources associated with the requested web page and bundles them into a single archive file, which is sent to the requesting client as a response; Fig. 1 that shows a proxy server acting as a gateway to direct client's web page request to the web server; paragraph 0019 that discloses the proxy server; Fig. 2 which shows that the requested parent web page 52 has embedded child web pages 54, 56 and 58, which have embedded resources 66, 68, 70 (for parent) and 72, 74, 76, 78, 80 and 82 (for child web pages) within them; paragraphs 0024-0025 disclose the same details; Fig. 3 that shows the contents of a bundled and compressed archive file 102, assembled by the web

server 22 and sent to the requesting client as a response; as well as a client request 100 that shows the URL of the web page being requested; paragraphs 0024-0028 and 0034 describe the same details).

Consider **claim 2** and **as it applies to claim 1 above**, Morlitz discloses the claimed apparatus, wherein the request is a uniform resource identifier (Fig. 3, Client request 100 which shows that the client request specifies a URL of a home web page; paragraph 0028, lines 4-9 disclose the same details).

Consider **claim 5** and **as it applies to claim 1 above**, Morlitz discloses the claimed apparatus, wherein the gateway obtains the resource and the embedded data using resource index files (paragraph 0030 that discloses using the metadata including site maps (resource index files) to determine the interrelationship of the web pages on the site and to retrieve the resource and the embedded data; paragraph 0031 that discloses a manifest file for an archive file 102, when the archive file is in the format of a JAR (Java Archive) file).

Consider **claim 6** and **as it applies to claim 5 above**, Morlitz discloses the claimed apparatus, wherein the gateway updates the resource index files based on said obtained resource and on said embedded data (paragraph 0028, lines 4-25 which disclose that the embedded files are extracted to the depth specified in the client's

request, thereby indicating updates to the resource index file based on the obtained resource and the embedded data extracted to the level of the specified depth only).

Consider **claim 7** and **as it applies to claim 5 above**, Morlitz discloses the claimed apparatus, wherein the resource index files include the resource and its embedded data (paragraph 0030, which discloses that the archive file 102 that includes site maps (resource index files), also includes the requested web page, referenced resources of the requested web page, and all links in the requested web page).

Consider **claim 8** and **as it applies to claim 5 above**, Morlitz discloses the claimed apparatus, wherein the resource index files include links to embedded data (paragraph 0030, which discloses that the archive file 102 that includes site maps (resource index files), also includes the requested web page, referenced resources of the requested web page, and all links in the requested web page; paragraph 0025 also provides additional details about including links in the requested web page):

Consider **claim 9** and **as it applies to claim 8 above**, Morlitz discloses the claimed apparatus, wherein the gateway produces a listing of the links to the embedded data, sends uniform resource location requests for the embedded data, and receives the embedded data from the links (paragraph 0028, lines 9-23 which disclose that the web server 22 collects links for all the child web pages, grand-child pages, and embedded graphics, audio and other resources to the requested depth, and sends

requests with URLs of the embedded resources, in turn receiving the embedded resource content, which it then packages and send the collected resources as an bundled response to the requesting client).

Consider **claim 11** and as it applies to **claim 1** above, Morlitz discloses the claimed apparatus, wherein said gateway performs data acceleration, compression, trans-coding, or application-based optimization on said resource and said embedded data (Abstract that disclose compressing the web pages including their embedded resources; paragraph 0011 which discloses that the archive file 102 contains compressed plurality of resources).

Consider **claim 12**, Morlitz shows and discloses an apparatus for use in a communication network (Fig. 1, client computers 10, with communication links 14 to the Internet 16, which in turn is linked to proxy servers 28 by links 32, to web servers 22 by links 30, and to storage media 34 by links 36, thereby forming a communication network apparatus; paragraphs 0018-0020 disclose the same details), comprising:
a gateway for receiving a request for a resource having embedded data, in response to said request, said gateway further for obtaining said resource and said embedded data using a resource index file having information regarding said resource and said embedded data, for bundling said resource and said embedded data into a response file, and for updating said resource index file (Abstract that discloses a client computer 10 making a request for a web page that has embedded child web pages and graphics,

audio and other resources linked with the requested parent page; Fig. 1 that shows a proxy server acting as a gateway to direct client's web page request to the web server; paragraph 0019 that discloses the proxy server; Fig. 2 which shows that the requested parent web page 52 has embedded child web pages 54, 56 and 58, which have embedded resources 66, 68, 70 (for parent) and 72, 74, 76, 78, 80 and 82 (for child web pages) embedded within them; paragraphs 0024-0025 disclose the same details; paragraph 0030 that discloses using site maps (resource index files) to determine the interrelationship of the web pages on the site in order to obtain the requested resource and associated embedded data; Fig. 3 that shows the contents of a bundled and compressed archive file 102, as well as a client request 100 that shows the URL of the web page being requested; paragraphs 0024-0027 describe the same details; paragraph 0028, lines 9-23 which disclose that the web server 22 collects links for all the child web pages, grand-child pages, and embedded graphics, audio and other resources to the requested depth (by sending requests with URLs of the embedded resources, and in turn receiving the embedded resource content), in order to package and send the collected resources as a response to the requesting client; paragraph 0028, lines 4-25 which disclose that the embedded files are extracted to the depth specified in the client's request, thereby indicating updates to the resource index files based on said obtained resource and on said embedded data).

Consider **claim 13** and as it applies to **claim 12** above, Morlitz discloses the claimed apparatus, wherein said resource index file includes the resource and said

embedded data (paragraph 0030, which discloses that the archive file 102 that includes site maps (resource index file), also includes the requested web page, referenced resources of the requested web page, and all links in the requested web page).

Consider **claim 14** and **as it applies to claim 12 above**, Morlitz discloses the claimed apparatus, wherein said resource index file includes links to said embedded data (paragraph 0030, which discloses that the archive file 102 that includes site maps (resource index files), also includes the requested web page, referenced resources of the requested web page, and all links in the requested web page; paragraph 0025 also provides additional details about including links in the requested web page).

Consider **claim 15** and **as it applies to claim 14 above**, Morlitz discloses the claimed apparatus, wherein said gateway produces a listing of said links to said embedded data, sends uniform resource location requests for said embedded data, and receives said embedded data from said links (paragraph 0028, lines 9-23 which disclose that the web server 22 collects links for all the child web pages, grand-child pages, and embedded graphics, audio and other resources to the requested depth, and sends requests with URLs of the embedded resources, in turn receiving the embedded resource content, then packages and send the collected resources as a response to the requesting client).

Consider **claim 16**, Morlitz shows and discloses a method of operating a gateway, comprising:

receiving a request for a resource having embedded data (Abstract that discloses a client computer 10 making a request for a web page that has embedded child web pages and graphics and audio resources linked with the requested parent page; Fig. 1 that shows a proxy server acting as a gateway to direct client's web page request to the web server; paragraph 0019 that discloses the proxy server; Fig. 2 that shows that the requested parent web page 52 has embedded child web pages 54, 56 and 58, which have embedded resources 66, 68, 70 (for parent) and 72, 74, 76, 78, 80 and 82 (for child web pages) within them; paragraphs 0024-0025 that disclose the same details);

obtaining information regarding the resource and embedded data from a resource index file (paragraphs 0029-0030 which disclose that the details of the embedded resources are obtained from metadata that include site maps (resource index files));

obtaining the resource and embedded data using the obtained information (Fig. 3; paragraph 0028 that disclose the process of collecting the resource requested by the client computer 10 and all the embedded resources associated with the requested resource (web page) and packaging them into an archive file 102; paragraphs 0029-0030 further disclose that the details of the embedded resources are obtained from site maps (resource index files));

bundling the obtained resource and obtained embedded data into a response file (Fig. 3 that shows the contents of a bundled and compressed archive file 102 sent as a response; paragraphs 0029-0031 describe the same details); and

sending the response file (Fig. 3, HTTP Server Response 104 being sent to the client computer 10; paragraph 0034, lines 1-4 that disclose the same details).

Consider **claim 18** and **as it applies to claim 16 above**, Morlitz discloses the claimed method, wherein the resource index file includes a pre-compiled copy of the resource (paragraph 0030, which discloses that the archive file 102 that includes Metadata with site maps (resource index file), also includes the requested web page, referenced resources of the requested web page, and all links in the requested web page).

Consider **claim 19** and **as it applies to claim 16 above**, Morlitz discloses the claimed method, wherein the resource index file includes links to the embedded data (paragraph 0030, which discloses that the archive file 102 that includes site maps (resource index files), also includes the requested web page, referenced resources of the requested web page, and all links in the requested web page; paragraph 0025 also provides additional details about including links in the requested web page).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3, 4, 17, 20-23, 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Morlitz (US Patent Application Publication # 2002/0065800 A1)**, in view of **Shanman et al. (US Patent Publication # 7,231,357 B1)**.

Consider **claim 3** and **as it applies to claim 2 above**, Morlitz discloses the claimed apparatus, except wherein the request is received from a wireless access network.

In the same field of endeavor, Shanman et al. disclose that the request is received from a wireless access network (column 4, lines 45-52 that disclose using a wireless network to distribute discount coupons along with a customized shopping list).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a wireless access network for receiving client requests, as taught by Shanman et al., in the apparatus of Morlitz, so that the customers can send their shopping requests from anywhere using their wireless devices.

Consider **claim 4** and **as it applies to claim 3 above**, Morlitz as modified by Shanman et al., further discloses the claimed apparatus, wherein the request is from a client device (In the Morlitz reference, Fig. 3, Client request 100 which shows that a client computer 10 making a request for a web page delivery by specifying a URL of a home web page; paragraph 0028, lines 4-9 disclose the same details).

Consider **claim 17** and **as it applies to claim 16 above**, Morlitz discloses the claimed method, except wherein the request is received and the response file is sent over a wireless access network.

In the same field of endeavor, Shanman et al. disclose that the request is received from and the response is sent over a wireless access network (column 4, lines 45-52 that disclose using a wireless network to process a request for discount shopping list from users and to distribute discount coupons along with a customized shopping list to them).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a wireless access network for receiving client requests and sending responses to them, as taught by Shanman et al., in the method of Morlitz, so that the customers can send their shopping requests and receive discount coupons from anywhere using their wireless devices.

Consider **claim 20**, Morlitz shows and discloses a method, comprising: transmitting a client request for a resource having embedded data (Fig. 1, client computers 10, with communication links 14 to the Internet 16, which in turn is linked to proxy servers 28 by links 32, to web servers 22 by links 30, and to storage media 34 by links 36, thereby forming a communication network for transmitting a client request for a resource having embedded data; paragraphs 0018-0020 disclose the same details; Abstract that discloses a client computer 10 making a request for a web page that has embedded child web pages and graphics and audio resources linked with the requested parent page);

receiving the request (Fig. 1 that shows a proxy server acting as a gateway to direct client's web page request to the web server; paragraph 0019 that discloses the proxy server);

obtaining the resource and its embedded data (paragraphs 0029-0030 which disclose that the details of the embedded resources are obtained from metadata that include site maps (resource index files); Fig. 3; paragraph 0028 that discloses the process of collecting the resource requested by the client computer 10 and all the embedded resources associated with the requested resource (web page));

bundling the obtained resource and obtained embedded data into a file (Fig. 3 that shows the contents of a bundled and compressed archive file 102; paragraphs 0024-0028 describe the same details); and

sending that file to the client over the wireless network (Fig. 3, HTTP Server Response 104 being sent to the client computer 10; paragraph 0034, lines 1-4 that disclose the same details).

However, Morlitz does not specifically disclose using wireless network for communication between a client computer and the gateway.

In the same field of endeavor, Shanman et al. disclose that the request is received from and the response is sent over a wireless access network (column 4, lines 45-52 that disclose using a wireless network to process a request for discount shopping list from users and to distribute discount coupons along with a customized shopping list to them).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a wireless access network for receiving client requests and sending responses to them, as taught by Shanman et al., in the method of Morlitz, so that the customers can send their shopping requests and receive discount coupons from anywhere using their wireless devices.

Consider **claim 21** and **as it applies to claim 20 above**, Morlitz as modified by Shanman et al., further discloses the claimed method, wherein the resource is an internet resource (In Morlitz reference, Fig. 3, Client request 100 which shows that a client computer 10 making a request for a web page delivery by specifying a URL of a home web page, which is the Internet resource; paragraph 0028, lines 4-9 disclose the same details).

Consider **claim 22** and **as it applies to claim 20 above**, Morlitz as modified by Shanman et al., further discloses the claimed method, wherein the information includes links to embedded data (In Morlitz reference, paragraph 0030, which discloses that the archive file 102 that includes site maps (resource index files), also includes the requested web page, referenced resources of the requested web page, and all links in the requested web page; paragraph 0025 also provides additional details about including links in the requested web page).

Consider **claim 23** and **as it applies to claim 22 above**, Morlitz as modified by Shanman et al., further discloses the claimed method, including the steps of forming a list of addresses for the embedded data, sending requests for the embedded data, and receiving the embedded data from the requests (In Morlitz reference, paragraph 0028, lines 9-23 which disclose that the web server 22 collects links for all the child web pages, grand-child pages, and embedded graphics, audio and other resources to the requested depth, and sends requests with URLs of the embedded resources, in turn receiving the embedded resource content, which it then packages and send the collected resources as an bundled response to the requesting client).

Consider **claim 25** and **as it applies to claim 20 above**, Morlitz as modified by Shanman et al., further discloses the claimed method, wherein obtaining the resource and the embedded data includes forming a resource index file (In Morlitz reference, paragraph 0028, lines 9-23 which disclose that the web server 22 collects links for all the child web pages, grand-child pages, and embedded graphics, audio and other resources to the requested depth, using metadata and site maps and forming a resource index file (referred to as Metadata with site maps in paragraph 0030 and as a manifest file in paragraph 0031) that is included in the archive file 102).

Consider **claim 27** and **as it applies to claim 20 above**, Morlitz discloses the claimed method, further including the step of updating the resource index file (In Marlitz reference, paragraph 0028, lines 4-25 which disclose that the embedded files are

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extracted to the depth specified in the client's request, thereby indicating updates to the resource index file based on the obtained resource and on the embedded data for that resource).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Morlitz (US Patent Application Publication # 2002/0065800 A1)**, in view of **Chow et al. (US Patent Publication # 7,216,154 B1)**.

Consider **claim 10** and as it applies to **claim 9** above, Morlitz discloses the claimed apparatus, except wherein the link listing is in order of the pre-determined time required to obtain the embedded data.

In the same field of endeavor, Chow et al. disclose that the link listing is in order of the pre-determined time required to obtain the embedded data (Fig. 6, entries 604-610 in row 612 and the row below it that show efficiency ranking (inverse of time to retrieve a desired resource from host sites; column 2, lines 61-67 and column 3, lines 1-3 that disclose the meaning of efficiency as used in table 600 of Fig. 6; column 4, lines 47-67 and column 5, lines 1-5 which disclose that the link listing is in order of the pre-determined time required to obtain the embedded data).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to arrange the link listing in order of the pre-determined time required to obtain the embedded data, as taught by Chow et al., in the apparatus of

Morlitz, so that the embedded resources may be accessed from their respective host sites in the order of the delay associated with their retrieval.

Claims 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Morlitz (US Patent Application Publication # 2002/0065800 A1)**, in view of **Shanman et al. (US Patent Publication # 7,231,357 B1)**, and further in view of **Chow et al. (US Patent Publication # 7,216,154 B1)**.

Consider **claim 24** and **as it applies to claim 23 above**, Morlitz, as modified by Shanman et al., discloses the claimed method, except wherein the step of forming a list of addresses includes ordering those addresses based on pre-determined times required to obtain the embedded data.

In the same field of endeavor, Chow et al. disclose that forming a list of addresses includes ordering those addresses based on pre-determined times required to obtain the embedded data (Fig. 6, entries 604-610 in row 612 and the row below it that show efficiency ranking (inverse of time to retrieve a desired resource from host sites; column 2, lines 61-67 and column 3, lines 1-3 that disclose the meaning of efficiency as used in table 600 of Fig. 6; column 4, lines 47-67 and column 5, lines 1-5 which disclose that the link listing is in order of the pre-determined time required to obtain the embedded data).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to arrange the link listing in order of the pre-determined

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time required to obtain the embedded data, as taught by Chow et al., in the method of Morlitz, as modified by Shanman et al., so that the embedded resources may be accessed from their respective host sites in the order of the delay associated with their retrieval.

Consider **claim 26** and **as it applies to claim 25 above**, Morlitz as modified by Shanman et al., further discloses the claimed method, wherein the formed resource index file includes a listing of the embedded files (In Morlitz reference, paragraph 0028, lines 9-23 which disclose that the web server 22 collects links for all the child web pages, grand-child pages, and embedded graphics, audio and other resources to the requested depth, using metadata and site maps and forming a resource index file (referred to as a manifest file in paragraph 0031)).

However, Morlitz as modified by Shanman et al., does not disclose the times required to obtain each of the embedded files.

In the same field of endeavor, Chow et al. disclose the times required to obtain each of the embedded files (Fig. 6, entries 604-610 in row 612 and the row below it that show efficiency ranking (inverse of time to retrieve a desired resource from host sites; column 2, lines 61-67 and column 3, lines 1-3 that disclose the meaning of efficiency as used in table 600 of Fig. 6; column 4, lines 47-67 and column 5, lines 1-5 which disclose that the link listing is in order of the pre-determined time required to obtain the embedded data).

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to arrange the link listing in order of the pre-determined time required to obtain the embedded data, as taught by Chow et al., in the method of Morlitz, as modified by Shanman et al., so that the embedded resources may be accessed from their respective host sites in the order of the delay associated with their retrieval.

Conclusion

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kishin G. Belani whose telephone number is (571) 270-1768. The Examiner can normally be reached on Monday-Thursday from 6:30 am to 5:00 pm.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-0800.

Kishin G. Belani
K.G.B./kgb

August 28, 2007


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100